Alberta Energy Regulator

Hearing Commissioners' Office
Suite 1000, 250 – 5 Street SW
Calgary, Alberta T2P 0R4
Canada

hearing.services@aer.ca

Proceeding 432

September 25, 2023

By e-mail only

Cantiro Group LP
Attention: Katrina Rowe
President, Communities

RE: Reconsideration of the Alberta Energy Regulator's Decision, Dated April 20, 2022
Amended Application No.: 1932335 dated January 14, 2022
Qualico Development West Ltd
Reconsideration No.: 1940992
Decision on Participation of Cantiro Group LP (Cantiro)

Dear Katrina Rowe:

I am writing on behalf of the Alberta Energy Regulator (AER) panel of hearing commissioners presiding over proceeding 432 (the panel). The panel has decided to permit Cantiro's participation in the hearing of the application, limited to filing written submissions, speaking to its submissions in the hearing and being available for questioning by the panel and parties adverse in interest to Cantiro.

On July 13, 2023, the AER issued a notice of hearing to reconsider its April 20, 2022, decision on amended application no. 1932335 brought by Qualico Developments West Ltd. (Qualico).

On July 21, 2023, Qualico requested an extension to the deadline for submitting requests to participate. On July 26, 2023, AER amended the notice of hearing and set a filing deadline of August 10, 2023, for requests to participate, and August 17, 2023, for responses to requests to participate.

Qualico, Pembina Pipeline Corporation (Pembina) and Plains Midstream Canada ULC (Plains) were noted as parties to the hearing and asked to confirm their intention to participate in the hearing. On August 10, 2023, Qualico, Pembina, and Plains confirmed their intention to fully participate in the hearing.

On August 2, 2023, the AER received Cantiro's letter requesting to participate in the hearing in support of the application. Cantiro said it did not file a statement of concern as it was not clear to Cantiro on how to participate or if a hearing was going to be held.

Cantiro said that it is a large developer and homebuilder in Alberta and the Edmonton Region and has faced difficulty in reaching surface crossing and proximity agreements with Pembina and other pipeline companies. Cantiro stated there is a lack of transparency in the review process, unclear regulation and inconsistencies in compensation agreements and crossing requirements, as well as a lack of a formal dispute resolution process. Cantiro further stated that safe and consistent access to the Marquis neighbourhood requires these crossings, which are included in the Horse Hill Area Structure Plan, and that cost-sharing for these crossing alterations would help to ensure the affordability of housing. The outcome Cantiro is seeking is for the AER to direct Pembina and Plains to alter their respective pipelines as requested by Qualico, and for the cost of the pipeline crossings to be shared 50/50 between Qualico and the pipeline companies.

Qualico did not provide a reply to Cantiro's request to participate in the hearing. Pembina and Plains provided replies to the requests to participate, on August 17, 2023, and both stated that they took no position with respect to the filed requests to participate.

Section 34(3) of the *Responsible Energy Development Act* states that: "... a person who may be directly and adversely affected by the application is entitled to be heard at the hearing". In addition, the *Alberta Energy Regulator Rules of Practice* (Rules) give the hearing panel discretion to permit the participation of persons who have a tangible interest and whose participation will materially assist without materially delaying the proceedings or repeating or duplicating evidence. The participation provisions in the Rules are intended to ensure a fair and efficient process and the development of a complete record that enables the panel to carry out its mandate.

Based on the panel's review of Cantiro's submissions, Cantiro has established it has a tangible interest in the subject of this hearing. Cantiro demonstrated it is familiar with Edmonton land development projects and has past experiences in dealing with matters relevant to this hearing. In the panel's view, Cantiro's participation could materially assist the panel in making its decision on the application. Furthermore, the panel notes that the parties to this proceeding did not object to Cantiro's application to participate.

For the above reasons and subject to further directions or rulings issued by the panel, the panel permits Cantiro's participation in the hearing to the following extent:

- filing written submissions according to the schedule to be set by the panel,

- speaking to its submissions in the hearing, and
- being available for questioning by the panel and by parties adverse in interest to Cantiro.

The panel encourages participants to seek opportunities to coordinate their efforts with others, if possible, to avoid duplication of evidence and provide for an efficient and timely process. This does not preclude separate submissions and appearances at the hearing.

If you have any questions, please contact the undersigned at hearing.services@aer.ca.

Sincerely,

Elaine Arruda
Hearing Coordinator

cc: D. Brezina and A. Huxley, AER Panel Counsel
G. Fitch, McLennan Ross LLP (Qualico Developments West Ltd.)
S. Munro, Bennett Jones LLP (Pembina Pipeline Corporation)
D. Naffin, Bennett Jones LLP (Plains Midstream Canada ULC)
S. Fash, BILD Alberta
C. Nicholas, MLC Group Inc.
J. Marchese and P. Shaver, Avillia Developments Ltd.
K. Anderson, Urban Development Institute – Edmonton Metro
S. Duncanson, Osler, Hoskin & Harcourt LLP (Keyera Corporation)
I. Radzichowsky and K. Welland, Secure Energy Services Inc.
E. Dixon and M. Cherkawsky, McLennan Ross LLP (Brookfield Residential (Alberta) LP)
M. Davis, Melcor Developments Ltd.
S. Gerein, Qualico Developments West Ltd.